

Amendment No. 1 to SB3020**Burchett
Signature of Sponsor****AMEND Senate Bill No. 3020*****House Bill No. 2825**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Private Process Servers Regulatory Act".

SECTION 2. Tennessee Code Annotated, Title 62, is amended by addition sections 3 through 8 as a new chapter.

SECTION 3. The purpose of this act is to ensure that any and all processes and writs issued by Tennessee courts are completed by a professional and responsible individual.

SECTION 4. Any person serving process within the state of Tennessee shall comply with the licensing requirements, be employed as a sheriff, deputy sheriff, or constable, or be an attorney or the employee of an attorney.

SECTION 5. It is an offense for any individual to serve process within the state of Tennessee unless such individual meets the qualifications and acquires a license as a licensed process server as provided in section 6, or is a sheriff, deputy sheriff, or constable, or is an attorney or is the employee of an attorney.

SECTION 6. The secretary of state shall issue licenses and a state identification number to individuals who want to be licensed process servers and shall collect a fee for such licenses. The fee shall be no greater than two hundred dollars (\$200) with an annual renewal fee no greater than one hundred dollars (\$100). Such fees shall provide for implementation and enforcement of rules and regulations and the cost of state identification cards. The secretary of state shall promulgate rules and regulations within the limits of Tennessee Code Annotated and shall form a review board, made up of licensed process servers and one (1) person from the office of the secretary of state, to effectuate the purposes of this act, including describing the qualifications required to be a process server and how to receive a license to serve process. All

persons seeking a license shall file, with their application and renewal, a certification of completion of an in-service training during the previous year.

SECTION 7. All licensed process servers shall be required to affix their signature and state identification number to all returns made to the courts.

SECTION 8. A violation of this chapter is a Class C misdemeanor.

SECTION 9. Tennessee Code Annotated, Section 8-8-108, is amended by deleting subdivision (a)(1) in its entirety and substituting instead the following:

(1) Only a sheriff, deputy sheriff, or constable, individuals licensed through the secretary of state as a process server, or an attorney or the employee of an attorney, shall execute any legal writs, garnishments, or other process in their hands, and shall be liable under the provisions of law as in other cases, except that only a sheriff or a deputy sheriff shall be permitted to levy personal property being attached for sale.

SECTION 10. Tennessee Code Annotated, Section 8-8-108, is further amended by deleting subsection (c) in its entirety.

SECTION 11. Tennessee Code Annotated, Section 16-15-901, is amended by deleting such section in its entirety and by substituting instead the following:

(a) Upon filing of civil warrants, writs , and other legal process, the clerk of the general sessions court or any court of record, wherein such civil warrants, writs, or other papers are filed, shall issue the required process, writs, garnishments, or other papers, and cause it or them, with necessary copies of the civil warrant, writ, or other legal process, to be delivered for service to a sheriff, deputy sheriff, or constable, or other individuals licensed through the secretary of state to serve process, or by an attorney or the employee of an attorney. Such officer, or licensed process server shall be identified by name and identification number issued by the secretary of state on the return.

(b) Any civil warrant, garnishment, attachment, or any other process used in any action of the general sessions court or any court of record, except those issued to levy personal property being attached for sale, shall be served only by licensed process servers, certified law enforcement officers. In the case of personal property being

attached for sale, only a sheriff, deputy sheriff, or constable shall effect service of process. The process server shall be identified by name and identification number issued by the secretary of state on the return.

(c) Substituted service may be performed on any individual over the age of eighteen (18), who lives at the defendant's residence, for any civil warrant, writ, or other legal process filed in general sessions court or any court of record, by any individual authorized to serve process.

SECTION 12. Tennessee Code Annotated, Section 16-15-903(10), is amended by deleting the first sentence and substituting instead the following:

Service by mail of a warrant, writ, or other legal process upon a defendant may be made by any sheriff, deputy sheriff, constable, licensed process server or by the plaintiff's attorney or an employee of the attorney.

SECTION 13. Tennessee Code Annotated, Title 39, Chapter 16, Part 6, is amended by adding the following as a new section:

Section 39-16-610.

(a) It is an offense for a public utility, or any agent thereof, to knowingly refuse to assist any officer or licensed process server by refusing to furnish current addresses or forwarding addresses of customers who may have changed addresses.

(b) For this section to apply, such request of information shall be made on official letterhead and include the name, previous address of the person being served, name of the court in which the person is to appear, and the docket number of the case in which the person is to appear. The process server must appear in person at the usual business establishment during normal business hours and provide proof of identification and copies of summons or other writs to be served.

(c) A violation of this section is a Class C misdemeanor.

SECTION 14. This act shall take effect upon becoming a law, the public welfare requiring it.